

May 18, 2012

REGULAR MEETING MINUTES  
ILLINOIS CIVIL SERVICE COMMISSION  
May 18, 2012

I. CALL TO ORDER THE REGULAR OPEN MEETING AT 1:05 P.M. AT 400 WEST MONROE STREET, SUITE 306, SPRINGFIELD, ILLINOIS

II. PRESENT

Chris Kolker, Chairman; Anita M. Cummings, Ares G. Dalianis (by telephone), Garrett P. FitzGerald (by telephone), and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; Roneta Taylor, Illinois Department of Central Management Services; Bridget Devlin (by telephone), Illinois Department of Commerce & Economic Opportunity; Karey Wanless, Illinois Department of Corrections; Jeanette Okulinski (by telephone) and Betty Torres (by telephone), Illinois Department of Employment Security; Jessica Nunes (by telephone) and Beth Duesterhaus (by telephone), Administrative & Regulatory Shared Services Center; Jackie Manker and Rebecca Paz, Illinois Department of Human Services; Justin Slaughter (by telephone), Illinois Department of Juvenile Justice; Sara Barnett, Illinois Department of Lottery; and John Knight.

III. MOTION TO ALLOW PARTICIPATION AT MEETING BY AUDIO CONFERENCE

Executive Director Daniel Stralka noted that he had been notified in advance that both Commissioner Dalianis and Commissioner FitzGerald were prevented from physically attending the May 18, 2012 meeting at the Commission's Springfield office due to employment purposes and both wished to attend by audio conference.

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 3-0 TO ALLOW COMMISSIONER DALIANIS AND COMMISSIONER FITZGERALD TO ATTEND THE MEETING BY AUDIO CONFERENCE.**

IV. APPROVAL OF MINUTES OF REGULAR OPEN MEETING HELD APRIL 20, 2012

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO APPROVE THE MINUTES OF THE REGULAR OPEN MEETING HELD APRIL 20, 2012.**

May 18, 2012

V. MOTION TO AMEND THE PREVIOUSLY ADOPTED MINUTES OF AUGUST 20, 2010

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY CHAIRMAN KOLKER, AND THE MOTION ADOPTED 5-0 TO AMEND THE PREVIOUSLY ADOPTED MINUTES OF AUGUST 20, 2010 TO REFLECT THAT THE PROPOSED RESCISSIONS OF 4D(3) EXEMPTION FROM JURISDICTION B FOR ITEMS F1 AND F2 WERE GRANTED.**

May 18, 2012

VI. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

**A. Report on Exempt Positions from Illinois Dept. of Central Management Services**

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging.....	145.....	11
Agriculture .....	356.....	16
Arts Council .....	19.....	2
Capitol Development Board.....	42.....	0
Central Management Services.....	1,599.....	113
Children and Family Services .....	2,889.....	49
Civil Service Commission.....	4.....	0
Commerce & Economic Opportunity.....	400.....	67
Commerce Commission .....	76.....	0
Corrections.....	11,337.....	105
Criminal Justice Authority .....	62.....	5
Deaf and Hard of Hearing Comm.....	7.....	1
Developmental Disabilities Council.....	8.....	1
Emergency Management Agency.....	91.....	6
Employment Security .....	1,791.....	25
Environmental Protection Agency.....	852.....	16
Financial & Professional Regulation.....	470.....	42
Gaming Board .....	131.....	5
Guardianship and Advocacy .....	102.....	7
Healthcare and Family Services .....	2,130.....	25
Historic Preservation Agency.....	174.....	11
Human Rights Commission.....	14.....	2
Human Rights Department.....	141.....	8
Human Services .....	12,780.....	76
Illinois Sentencing Policy Advisory Council.....	2.....	2
Illinois Torture Inquiry Relief Commission .....	2.....	1
Insurance .....	256.....	13
Investment Board .....	2.....	1
Juvenile Justice.....	1,229.....	20
Labor .....	89.....	9
Labor Relations Board Educational.....	11.....	2
Labor Relations Board State.....	17.....	2
Law Enforcement Training & Standards Bd. ....	18.....	2
Lottery.....	153.....	6
Medical District Commission.....	2.....	0
Military Affairs .....	122.....	3
Natural Resources .....	1,170.....	28
Pollution Control Board .....	22.....	1
Prisoner Review Board.....	18.....	0
Property Tax Appeal Board.....	25.....	1
Public Health.....	1,085.....	41
Racing Board.....	2.....	1
Revenue.....	1,712.....	52
State Fire Marshal .....	141.....	12
State Police.....	1,204.....	6
State Police Merit Board .....	5.....	1
State Retirement Systems.....	96.....	2
Transportation .....	2,247.....	0
Veterans' Affairs.....	1,284.....	9
Workers' Compensation Commission.....	134.....	8
<b>TOTALS .....</b>	<b>46,668.....</b>	<b>816</b>

**B. Governing Rule – Section 1.142 Jurisdiction B Exemptions**

- a) The Civil Service Commission shall exercise its judgment when determining whether a position qualifies for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code. The Commission will consider any or all of the following factors inherent in the position and any other factors deemed relevant to the request for exemption:
  - 1) The amount and scope of principal policy making authority;
  - 2) The amount and scope of principal policy administering authority;
  - 3) The amount of independent authority to represent the agency, board or commission to individuals, legislators, organizations or other agencies relative to programmatic responsibilities;
  - 4) The capability to bind the agency, board or commission to a course of action;
  - 5) The nature of the program for which the position has principal policy responsibility;
  - 6) The placement of the position on the organizational chart of the agency, board or commission;
  - 7) The mission, size and geographical scope of the organizational entity or program within the agency, board or commission to which the position is allocated or detailed.
- b) The Commission may, upon its own action after 30 days notice to the Director of Central Management Services or upon the recommendation of the Director of the Department of Central Management Services, rescind the exemption of any position that no longer meets the requirements for exemption set forth in subsection (a). However, rescission of an exemption shall be approved after the Commission has determined that an adequate level of managerial control exists in exempt status that will insure responsive and accountable administrative control of the programs of the agency, board or commission.
- c) For all positions currently exempt by action of the Commission, the Director of Central Management Services shall inform the Commission promptly in writing of all changes in essential functions, reporting structure, working title, work location, position title, position number or specialized knowledge, skills, abilities, licensure or certification.
- d) Prior to granting an exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the Commission will notify the incumbent of the position, if any, of its proposed action. The incumbent may appear at the Commission meeting at which action is to be taken and present objections to the exemption request.

(Source: Amended at 34 Ill. Reg. 3485, effective March 3, 2010)

\* \* \*

**C. Requests for 4d(3) Exemption**

Executive Director Daniel Stralka reported:

- As to Item C, this request is for the Assistant Deputy Director of Programs for the Illinois Department of Employment Security, a position that reports to the Executive Deputy Director of Programs who reports to the Director. The Programs unit is responsible for operating units that represent the base functions of the agency's mission including Employment Services and Unemployment Insurance. This Assistant Deputy Director position will be responsible for monitoring the statewide performance of the program areas under the Executive Deputy Director to ensure that federal and state mandates in these areas are being carried out with authority to implement corrective measures when necessary. Assistant Deputy Director requests typically merit additional scrutiny due to the "principal" requirement of Section 4d(3), but given the nature of the program areas involved Staff was prepared to recommend approval for this position while noting it does not appear other program areas would support a similar request. Chairman Kolker inquired whether the position formulates policy. Jeanette Okulinski, Organizational Development Manager for the Illinois Department of Employment Security, responded that it only is responsible for implementing policy and ensuring consistent application throughout the agency. Betty Torres, Manager for the Illinois Department of Employment Security, added that it does this for continuity purposes.
- As to Item D, this request has been withdrawn.
- As to Item E, this request is for the Deputy Director of Policy and Advocacy, a position that reports to the Chief of Staff who reports to the Director of the Department of Children and Family Services. The agency has essentially taken three program areas – Child & Family Policy, Administrative Hearings, and Advocacy – which previously reported to other 4d(3) exempt positions and relocated them under this new position. Since these program areas already supported 4d(3) exempt positions, Staff recommended approval of this request. It does appear that the remaining program areas under the previous positions will be sufficient for them to retain their exempt status. Commissioner Krey requested additional information about these three program areas. As there was no agency representative present to respond to this inquiry, Executive Director Stralka explained where each of these program areas was located in the organization prior to the establishment of the requested position.
- As to Item F, this request is for the Manager of Local Government Initiatives, a position that reports to the Director of the Department of Commerce and Economic Opportunity. This is a unique position in that it appears to have some dotted line reporting requirements with the Governor's Office and there is no specific statutory program that supports it. Instead, it serves as something of an intermediary or liaison to ensure that the needs of various local government units

are being met by agency programs, as well as keeping the agency aware of Governor's Office initiatives in this area so that agency needs are aligned with these initiatives. Staff's greatest concern was the inability to identify a specific program area to support the exemption request. At the same time, there does not appear to be any similar such exempt position within the agency and the benefit of such a cooperative approach is not questioned. Considering that along with the appointment of a new agency director, Staff recommended approval of this request. Staff noted for the Commissioner's benefit that this agency presently has 20 vacancies out of its 67 exempt positions. Bridget Devlin, Deputy Director of Human Resources, Illinois Department of Commerce & Economic Opportunity, commented that the new Director has yet to examine the organizational structure of the agency. Once that is done, some principal policy exemptions may be relinquished.

- As to Item G, this request is for the Chief of Mental Health Services, a position that reports to the Deputy Director of Program Services who reports to the Director of the Department of Juvenile Justice. This request has its genesis in a Report on the Behavioral Health Program for Youth Committed to the Department of Juvenile Justice prepared in 2010. This Report noted how the prevalence of mental health disorders in the juvenile offender population is significantly higher than the general population, and that the lack of mental health treatment leads to negative outcomes for these youth. The Report was critical of the use of contractual leadership in this program area. For that reason, the agency created this position and is seeking a principal policy exemption for it. Staff was unable to identify any other State position that fulfilled this role. The program area has a significant nexus to the mission of the agency so Staff recommended approval of this request. Chairman Kolker inquired whether the position formulates policy. Justin Slaughter, Deputy Director of Programs for the Illinois Department of Juvenile Justice, responded affirmatively.
- As to Item H, this request is for the Deputy General Counsel, a position that reports to the General Counsel who reports to the Superintendent of the Department of Lottery. Staff had initial concerns over this request because the current General Counsel position had initially received its exemption as a Deputy General Counsel at the Department of Revenue and there was concern that the Lottery was insufficient to support the exemption of both a General Counsel and Deputy General Counsel. Clarified position descriptions were provided to indicate that the General Counsel's focus would be on interpretation, implementation, and enforcement of the Private Management Agreement which is specific to the Lottery while the Deputy General Counsel would function more as a traditional agency general counsel. Given that the Commission has historically approved general counsel requests and the Lottery presents a unique situation due to the Private Management Agreement, Staff recommended approval of this request. Chairman Kolker inquired whether the position formulates policy. Sara Barnett, Chief of Staff for the Illinois Department of Lottery, responded affirmatively.

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER DALIANIS, AND THE MOTION ADOPTED 5-0 TO GRANT THE REQUESTS FOR 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

- C: Employment Security-Assistant Deputy Director of Programs**
- E: Children & Family Services-Deputy Director of the Division of Policy and Advocacy**
- F: Commerce and Economic Opportunity-Manager of Local Government Initiatives**
- G: Juvenile Justice-Chief of Mental Health Services**
- H: Lottery-Deputy General Counsel**

**The following 4d(3) exemption requests were granted on May 18, 2012:**

**C. Illinois Department of Employment Security**

Position Number	40070-44-40-010-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Programs
Functional Title	Assistant Deputy Director of Programs
Incumbent	Vacant
Supervisor	Executive Deputy Director of Programs who reports to the Director
Location	Cook County

**E. Illinois Department of Children & Family Services**

Position Number	40070-16-65-000-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Policy and Advocacy
Functional Title	Deputy Director of the Division of Policy and Advocacy
Incumbent	Vacant
Supervisor	Chief of Staff who reports to the Director
Location	Sangamon County

**F. Illinois Dept. of Commerce & Economic Opportunity**

Position Number	40070-42-00-015-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director's Office / Local Government Initiatives
Functional Title	Manager of Local Government Initiatives
Incumbent	Vacant
Supervisor	Director
Location	Cook County

**G. Illinois Department of Juvenile Justice**

Position Number	40070-27-00-210-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Programs
Functional Title	Chief of Mental Health Services
Incumbent	Vacant
Supervisor	Deputy Director of Program Services who reports to the Director
Location	Cook County

**H. Illinois Department of Lottery**

Position Number	40070-45-02-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Legal
Functional Title	Deputy General Counsel
Incumbent	Vacant
Supervisor	General Counsel who reports to the Superintendent
Location	Cook County

**I. Proposed Rescissions in accordance with Section 1.142(b) of the Rules of the Civil Service Commission**

Executive Director Stralka first noted that the reason most of these positions were included for proposed rescission was due to extended vacancy in excess of 2 years. On April 17, 2012, he provided notice to the Director of Central Management Services in accordance with Commission Rules followed by letters to all affected agency directors notifying them of which positions may be placed on this month's agenda for rescission and why. These notices included 35 positions. Since that time, there were many telephone calls, e-mails, and correspondence with agency representatives about these proposed rescissions. Many issues were resolved during this initial period with many of these positions so that when it came time to finalize the agenda only 14 positions were included for the Commission to determine if their 4d(3) exemption should be rescinded. As a reminder, Commission rules provide that rescissions shall be approved only after the Commission has determined that an adequate level of managerial control exists in exempt status which will insure responsive and accountable administrative control of agency programs. It was Commission staff's position that such control exists for all these proposed rescissions.

- As to Item I1, the agency has indicated that HB5926 is pending which would essentially strip the program that supports this exemption from the agency and give it to an outside entity. The agency suggested denying this rescission pending the outcome of that bill. Staff was in agreement with this. Roneta Taylor, Division Manager of Technical Services for the Illinois Department of Central Management Services, confirmed this information.

- As to Items I2-4, Staff never received a response to its inquiry on May 8 for additional information. However, Staff noted that the agency has a new Director and that there is a history with this agency's positions and their collective bargaining status which apparently affected its ability to fill them. There was a consensus among the Commissioners to allow the new Director additional time to fill these positions.
- As to Items I5-7, these are Assistant Wardens at Correctional Facilities and are presently filled by temporary appointment. I7 has been vacant since 2005 while the other two have been vacant since 2007. The exemption audit conducted by the Illinois Auditor General's Office indicated that the Commission should continuously monitor positions that have been vacant as long as these have been, though it made no mention of the impact of temporary appointments. Karey Wanless, Personnel Manager for the Illinois Department of Corrections, represented that there are pending epars seeking to fill these positions on a permanent basis with the individuals who are presently temporarily assigned to them.
- As to Item I8, this position has been filled so Staff recommended denial of this request.
- As to Item I9, this position has been vacant since 2008. There is no pending appointment and other positions at its level appear to be term appointments. Staff recommended granting this rescission.
- As to Item I10, this is a Tinley Park based position which is vacant. The facility has been closed. Staff recommended granting this rescission. Both Illinois Department of Human Services representatives (Jackie Manker, Associate Director and Rebecca Paz, Interim Human Resources Manager) argued in favor of retaining the exempt status since the position would shortly be clarified to represent a change in its responsibilities. While the position had previously been granted exempt status due its responsibilities at Tinley Park, it has regional responsibilities which extend beyond Tinley Park. In addition, the functions which had been performed at Tinley Park have not gone away but will now be performed by other hospital facilities in the region and the position's responsibilities overseeing these functions have not been eliminated. They requested an additional six months to allow time for the agency to clarify the position description form. After additional discussion in which all Commissioners participated, it was the consensus to allow this.
- As to Items I11-13, these are all Assistant Warden positions at Juvenile Justice facilities. The agency has requested that these rescissions be denied pending a decision on facility closures since they may be needed to transfer incumbents. Staff was in agreement with this.

May 18, 2012

- As to Item I14, the agency never responded to Staff's notice or inquiries. Staff recommended granting this rescission.

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER CUMMINGS, AND THE MOTION ADOPTED 5-0 TO APPROVE AND DENY THE PROPOSED RESCISSIONS FROM 4D(3) EXEMPTION FOR THE FOLLOWING POSITIONS:**

- I1: Manager, Risk Management (CMS)**
- I2: Legislative Liaison-International Trade Office (CEO)**
- I3: Manager, Grant Unit (CEO)**
- I4: Regional Manager (East Central) (CEO)**
- I5: Assistant Warden Programs-Vienna (DOC)**
- I6: Assistant Warden Operations-Hill (DOC)**
- I7: Assistant Warden Programs-Western Illinois (DOC)**
- I8: Director, Business Services (DHS)**
- I9: Chief, Recruitment & Selection (DHS)**
- I10: Regional Executive Director-Tinley Park (DHS)**
- I11: Assistant Warden Programs-IYC Chicago (DJJ)**
- I12: Assistant Warden Operations-IYC Chicago (DJJ)**
- I13: Assistant Warden Programs-Harrisburg (DJJ)**
- I14: Chief Financial Officer (ISP)**

**The following 4d(3) exemptions were rescinded on May 18, 2012:**

<b>Agenda Item</b>	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
I9	DHS	40070-10-11-200-00-01	Chief, Recruitment & Selection
I14	ISP	40070-21-12-000-00-01	Chief Financial Officer

**The following 4d(3) exemption rescissions were denied on May 18, 2012:**

<b>Item</b>	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
I1	CMS	40070-37-32-000-00-01	Manager, Risk Management
I2	CEO	37015-42-00-000-01-01	Legislative Liaison-International Trade Office
I3	CEO	40070-42-00-220-00-01	Manager, Grant Unit

<b>Item</b>	<b>Agency</b>	<b>Position Number</b>	<b>Functional Title</b>
I4	CEO	40070-42-10-300-00-01	Regional Manager (East Central)
I5	DOC	40070-29-86-200-00-01	Assistant Warden Programs-Vienna
I6	DOC	40070-29-98-300-00-01	Assistant Warden Operations-Hill
I7	DOC	40070-29-99-200-00-01	Assistant Warden Programs-Western IL
I8	DHS	40070-10-10-000-00-01	Director, Business Services
I10	DHS	40070-10-85-000-00-21	Regional Executive Director-Tinley Park
I11	DJJ	40070-27-17-200-00-01	Asst. Warden Programs-IYC Chicago
I12	DJJ	40070-27-17-300-00-01	Asst. Warden Operations-IYC Chicago
I13	DJJ	40070-27-20-200-00-01	Assistant Warden Programs-Harrisburg

VII. CLASS SPECIFICATIONS

- None submitted.

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY.**

VIII. MOTION TO CLOSE A PORTION OF THE MEETING

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE THE MOTION ADOPTED 5-0 TO CLOSE A PORTION OF THE MEETING PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4), 2(c)(5), AND 2(c)(11) OF THE OPEN MEETINGS ACT.**

<b>KOLKER</b>	<b>YES</b>	<b>CUMMINGS</b>	<b>YES</b>
<b>DALIANIS</b>	<b>YES</b>	<b>FITZGERALD</b>	<b>YES</b>
<b>KREY</b>	<b>YES</b>		

May 18, 2012

IX. RECONVENE THE OPEN MEETING

Upon due and proper notice the regular open meeting of the Illinois Civil Service Commission was reconvened at 400 West Monroe Street, Suite 306, Springfield, Illinois at 1:50 p.m.

PRESENT

Chris Kolker, Chairman; Anita M. Cummings, Ares G. Dalianis (by telephone), Garrett P. FitzGerald (by telephone), and Susan Moylan Krey, Commissioners; Daniel Stralka, Executive Director; Andrew Barris, Assistant Executive Director; and John Knight.

X. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code; however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Illinois Department of Central Management Services' Consecutive Non-Merit Report.

Agency	3/31/12	<b>4/30/12</b>	4/30/11
Aging	1	<b>1</b>	0
Arts Council	0	<b>1</b>	0
Central Management Services	0	<b>0</b>	1
Children and Family Services	2	<b>3</b>	2
Corrections	1	<b>1</b>	0
Employment Security	1	<b>0</b>	5
Healthcare and Family Services	3	<b>3</b>	3
Historic Preservation Agency	1	<b>0</b>	1
Human Rights	0	<b>1</b>	0
Human Services	1	<b>4</b>	1
Natural Resources	8	<b>1</b>	9
Property Tax Appeal Board	0	<b>0</b>	3
State Fire Marshal	1	<b>0</b>	0
Transportation	10	<b>0</b>	1
Totals	29	<b>15</b>	26

May 18, 2012

XI. INTERLOCUTORY APPEALS

**RV-33-12**

Employee	John S. Knight	Appeal Date	12/06/11
Agency	Human Services	Decision Date	04/19/12
Type	Rule Violation	ALJ	Andrew Barris
Allegation(s)	Violation of Sections 302.150(j) and 310.470 of the Personnel Rules	Proposal for Decision	Dismissed subject to approval of Commission; no jurisdiction (untimely filing).

**IT WAS MOVED BY COMMISSIONER DALIANIS, SECONDED BY COMMISSIONER FITZGERALD, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE EMPLOYEE'S FAILURE TO FILE HIS APPEAL WITHIN 180 DAYS AFTER HE KNEW, RECEIVED WRITTEN NOTICE OF, OR THROUGH THE USE OF REASONABLE DILIGENCE, SHOULD HAVE KNOWN OF THE ALLEGED VIOLATION RESULTED IN THE COMMISSION HAVING NO JURISDICTION OVER THIS MATTER. THE APPEAL IS DISMISSED.**

**KOLKER            YES            CUMMINGS    YES  
DALIANIS        YES            FITZGERALD   YES  
KREY             YES**

**DA-40-12**

Employee	Eric R. Nuttall	Appeal Date	01/26/12
Agency	Corrections	Decision Date	05/04/12
Type	Discharge	ALJ	Andrew Barris
ALJ	Andrew Barris	Proposal for Decision	Grant Motion to Dismiss subject to approval of Commission; no jurisdiction (untimely filing)

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER CUMMINGS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE EMPLOYEE'S FAILURE TO FILE HIS APPEAL WITHIN 15 DAYS AFTER RECEIPT OF THE APPROVED CHARGES RESULTED IN THE COMMISSION HAVING NO JURISDICTION OVER THIS MATTER. THE MOTION TO DISMISS IS GRANTED.**

**KOLKER            YES            CUMMINGS    YES  
DALIANIS        YES            FITZGERALD   YES  
KREY             YES**

XII. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

**DA-11-12**

Employee	Trisha Bavender	Appeal Date	08/23/11
Agency	Revenue	Decision Date	05/04/12
Type	Discharge	Proposal for Decision	Discharge upheld.
ALJ	Andrew Barris		

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE'S PROPOSAL FOR DECISION THAT THE CHARGES HAVE BEEN PARTIALLY PROVEN AND WARRANT DISCHARGE FOR THE REASONS SET FORTH IN THE PROPOSAL FOR DECISION DATED MAY 4, 2012.**

<b>KOLKER</b>	<b>YES</b>	<b>CUMMINGS</b>	<b>YES</b>
<b>DALIANIS</b>	<b>YES</b>	<b>FITZGERALD</b>	<b>YES</b>
<b>KREY</b>	<b>YES</b>		

**RV-52-11<sup>1</sup>**

Employee	Lori Churchill	Appeal Date	05/19/11
Agency	Central Management Services	Decision Date	04/20/12
Type	Rule Violation	ALJ	Andrew Barris
Allegation(s)	Violation of Section 301.170 of the Personnel Rules, Sections 310.20, 310.80, 310.90 and 310.100 of the Pay Plan	Proposal for Decision	No violation.

**RV-54-11**

Employee	Laurie Kohnen	Appeal Date	06/17/11
Agency	Central Management Services	Decision Date	04/20/12
Type	Rule Violation	ALJ	Andrew Barris
Allegation(s)	Violation of Section 301.170 of the Personnel Rules, Sections 310.20, 310.80, 310.90 and 310.100 of the Pay Plan	Proposal for Decision	No violation.

<sup>1</sup> RV-52-11, RV-54-11, and RV-8-12 were consolidated on December 1, 2011.

**RV-8-12**

Employee	Kathryn Rehwaldt	Appeal Date	08/10/11
Agency	Central Management Services	Decision Date	04/20/12
Type	Rule Violation	ALJ	Andrew Barris
Allegation(s)	Violation of Section 301.170 of the Personnel Rules, Sections 310.20, 310.80, 310.90 and 310.100 of the Pay Plan	Proposal for Decision	No violation.

**IT WAS MOVED BY COMMISSIONER KREY, SECONDED BY COMMISSIONER DALIANIS, AND BY ROLL CALL VOTE OF 5-0 THE MOTION ADOPTED TO AFFIRM AND ADOPT THE ADMINISTRATIVE LAW JUDGE’S PROPOSAL FOR DECISION THAT THE EMPLOYEES HAVE NOT PROVEN BY A PREPONDERANCE OF THE EVIDENCE THAT A VIOLATION OF THE PERSONNEL CODE OR PERSONNEL RULES OCCURRED AS ALLEGED. THE APPEALS ARE DENIED.**

<b>KOLKER</b>	<b>YES</b>	<b>CUMMINGS</b>	<b>YES</b>
<b>DALIANIS</b>	<b>YES</b>	<b>FITZGERALD</b>	<b>YES</b>
<b>KREY</b>	<b>YES</b>		

**XIII. STAFF REPORT**

Executive Director Daniel Stralka reported:

- Ethics Training certifications were still pending from three Commissioners and due by the end of the year.
- The Commission has completed both its House and Senate Appropriation Committee hearings. There has not been any subsequent information about its fiscal year 2013 budget request.
- The appointments for Commissioners Krey, FitzGerald, and Cummings were confirmed by the Senate on April 26, 2012.
- It is likely that the Commission will be relocating its Springfield office. Due to time constraints, Central Management Services has advised Staff that there will be a need to sign an extension of the lease at the current location. Staff is waiting for additional detail from CMS, but Executive Director Stralka is seeking authority by Motion of the Commission to enter into any extension.
- All Statements of Economic Interests forms were filed with the Secretary of State on April 30, 2012. Stamped copies are available if needed.

May 18, 2012

- An updated Personnel Policy has been implemented for Commission staff effective May 16, 2012.

Assistant Executive Director Andrew Barris reminded the Commissioners that Open Meetings Act training also must be completed by the end of the year.

XIV. AUTHORIZATION FOR EXECUTIVE DIRECTOR TO EXECUTE SHORT-TERM LEASE AND RELATED DOCUMENTS FOR SPRINGFIELD OFFICE LEASE

**IT WAS MOVED BY CHAIRMAN KOLKER, SECONDED BY COMMISSIONER CUMMINGS, AND BY VOTE OF 5-0 THE MOTION ADOPTED TO AUTHORIZE THE EXECUTIVE DIRECTOR TO EXECUTE THE SHORT-TERM LEASE AND RELATED DOCUMENTS FOR THE SPRINGFIELD OFFICE SPACE.**

XV. ANNOUNCEMENT OF NEXT MEETING

Announcement was made of the next regular open meeting to be held Friday, June 15, 2012 at 11:00 a.m. in the Commission's Chicago office.

XVI. MOTION TO ADJOURN

**IT WAS MOVED BY COMMISSIONER CUMMINGS, SECONDED BY COMMISSIONER KREY, AND THE MOTION ADOPTED 5-0 TO ADJOURN THE MEETING AT 1:55 P.M.**